

**JOINT WORK SESSION
OF THE BRIGHAM CITY COUNCIL
AND BRIGHAM CITY PLANNING COMMISSION
TO
RECEIVE AN UPDATE ON THE ROCKY MOUNTAIN POWER
345 kV TRANSMISSION LINE PROJECT
JULY 14, 2008
4:00 P.M.**

PRESENT:	Lou Ann Christensen	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Reese Jensen	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
ALSO PRESENT:	Linda Berry	Planning Commission Member
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Mary Kate Christensen	City Recorder
	Blake Fonnesebeck	Public Works Director
	Roger Handy	Planning Commission Member
	Rees Nielsen	Planning Commission Member
	Jared Johnson	Community Development Manager
	Bruce Leonard	City Administrator
	Joan Peterson	Planning Commission Member
	Barbara Poelman	Planning Commission Member
	Jeff Thorne	City Attorney
	Alan Wright	Public Power Director

Mayor Christensen said there have been 15 meetings to date with Rocky Mountain Power (RMP) on this issue. The last meeting was held on July 7. There were several mayors that also met with the Utilities Interim Committee where the motion was made to go back and work with the communities and find a compromise and report back in August. In addition, several Mayors, Planning Commission Members and Councilmembers went on the miligauss readings with Mr. Rush from RMP.

Councilmember Ericson met with RMP for 2-3 different days and rode the lines with them while the Mayor and Mayor Pro Tem were out of town. It was very obvious to them that Brigham City wants the line on the west side, which would have less impact on the residents.

The Mayor reviewed the maps indicating the two alternate routes that were presented at the meeting of the Council of Governments (COG) last week. She also reviewed the cost analysis prepared by RMP on each of the routes. The costs include the line of miles, the number of homes impacted, the cost to remove the homes and structures, the key impacts such as railroad and wetlands, the construction schedule impact and the right-of-way costs. The COG's preferred route is \$314.2 million and RMP's preferred route is \$277.9 million, a difference of \$37 million even though the COG's preferred route is five miles less. RMP explained the reason is because if they construct on the east side it is solid rock. Councilmember Ericson added that with mountain and rock on the east side the foundation does not have to be as wide or as deep. Most of the west line goes through wetlands and softer soil and the foundation would have to be twice as deep and nearly twice as wide. The cost of steel for the rebar and concrete quickly increases the costs. Another aspect to the cost is the difference in acquiring structures and homes. RMP figured it would be \$9 million for the COG alternative route and \$835,000 on the RMP alternative.

Mayor Christensen said Commissioner Clark Davis asked for details of their numbers at the COG meeting. They told him they could get the numbers but it would take a few days. The Council could ask for those numbers and also a geotechnical engineer to review these numbers. Councilmember Ericson added that RMP admitted that they did not do a geotechnical survey; it was more a look at similar structures in the area in that type of soil. They did not do a specific geotechnical survey.

Councilmember Christensen asked if there are more homes that would have to be removed with the COG alternative. Mayor Christensen said there is. Councilmember Ericson reviewed pictures of houses with potential impact. There are only two structures and some property in Brigham City that would be impacted.

Commission Member Handy asked if the entire COG was in favor of this route. Mayor Christensen replied that at the COG meeting after RMP announced that they were going back to the original route, the mayors decided to go back to their Planning Commissions and Councilmembers and determine what stand they want to take. There is a Mayor's Association meeting on July 16 where they will discuss what each municipality has decided. RMP has \$10-12 million to work with cities to soften the impact. For example, Mayor Hardy from Elwood is looking at having them build a road. Trails is something Brigham City could ask for.

The Planning Commission has 120 days to act on RMP's conditional use permit (CUP). This would be August 16, with the latest possible scheduled Planning Commission meeting on August 5. RMP goes before the legislature on August 20.

Councilmember Reese Jensen asked who would have to pay for the difference of \$35 million if the COG route is chosen. Mayor Christensen said the communities would have to pay for that. Councilmember Reese Jensen said there is a significant difference in the impact of structures, \$9 million compared to \$835,000. It appears as though Brigham City is pushing its problems onto someone else. Those people that will be directly impacted with the COG alignment will be very upset if the route changes. Mayor Christensen questioned whether all the homes are included in the RMP costs.

Councilmember Reese Jensen said another issue is the wetland issue. There is going to be wetland impact but there have been no studies done. This could be significant.

Commission Member Poelman said the RMP route goes along prime property in the Willard area. This is the most desirable property compared to the property to the west. The potential of destruction is more significant with the RMP route.

Commission Member Handy said the Planning Commission has a CUP before them that they have to act on before August 5. The only thing that would stop the Planning Commission from acting on it is if the Council, as elected officials, say that RMP has not worked with the Council to the extent desired in relation to the request of the legislative committee and ask for an extension for that process to be completed. Mayor Christensen felt that the smaller communities will be looking to Brigham City for what direction to go. Brigham City will probably set the tone on what the Mayor's Association decides. Commission Member Handy said the Planning Commission has no other authority other than acting on what is brought before them.

Councilmember Ericson said if RMP provides the detail of their numbers and the City does an audit of the geotechnical report, it may bring the numbers closer together but it is not going to make up the \$35 million difference. The RMP representative told him that it is not just the price difference, it is also the separation issue that keeps coming up. If the costs were close, they could deal with the separation for a portion of the route, but with a \$36 million difference they do not feel they can justify it being that close in proximity. Mayor Christensen said if the numbers were verified it would be easier to justify to the citizens that the City did everything possible.

Commission Member Nielsen asked why Brigham City, independent of the other communities, wants the line on the west side. Mayor Christensen said there is already a utility corridor along I-15 and it would impact the fewest number of property owners. The east side is the City's view shed and where the more expensive homes are located. This is one of the reasons she questioned RMP's numbers because it will affect the homes on the east side of Highway 91. Councilmember Ericson said when he questioned RMP about these homes they told him none of these homes fall within the 75' which would require RMP to purchase them, but RMP would offer the property owners the option for RMP to purchase their home.

Mayor Christensen said she talked to Dr. Redd with the Bear River Health Department regarding miligauss and health issues. Dr. Redd told her that 20 years ago people did not think cigarette smoking caused cancer. It has only been in the last ten years that it was discovered that there is a link. There is an association between miligauss readings and childhood leukemia. There is currently not a cause and affect, but Dr. Redd

felt that in 20 years it could be proven that there is a cause and effect between miligauss and cancer. He did not recommend any buildings or homes be built next to a 345 kV line.

Councilmember Reese Jensen said there are currently no homes in Brigham City that would be close to the proposed line and it is so far up the mountain he did not think they would build that high even 20 years from now. Mayor Christensen said there has been some discussion on raising the Stansbury line and constructing a road across the mountain to the Mahogany Canyon Subdivision. This would be in the future, but there have been some discussions about this.

Councilmember Ericson said if RMP is willing to build some trails for the City, it would have to be under the line or somewhere close. They would probably purchase more than the right-of-way and purchase the 150' so they could put the trail on the far west side of their right-of-way. Mayor Christensen expressed concern with RMP purchasing the right-of-way so they would have control over potential future utilities. She would like them to deed it back to the City so the City has some say in what goes in. Mr. Thorne said different people can have different interests on the same piece of property. In addition, there are several different types of rights of-way. They can have non-inclusive right-of-way or inclusive right-of-way. RMP is going to negotiate with 800 other property owners and they will do it the cheapest way they can. Property owners are not going to want them to sell it to them because then their property would be dissected. Councilmember Ericson said Steve Rush told him they would not build a trail if they did not own the property because of the liability.

Councilmember Ericson said it doesn't really matter if the City receives the numbers by the CUP deadline because the numbers are to justify to the citizens why the decision was made. Mayor Christensen said if there are some discrepancies it would be too late. Councilmember Ericson said there will probably be some discrepancies, but not \$35 million worth. RMP said they had \$10 million for concessions, not \$10 million to make up the difference in the cost of the routes. Mayor Christensen said if it came within \$10 million she would ask them to work with the cities.

The Council agreed that the City should get a geotechnical consultant to review RMP's geotechnical report. Councilmember Ericson said there is one application before the Planning Commission for the line on the east side. For the line to go on the west side, RMP will have to pull their application for the CUP on the east side and apply for one on the west side, and until the numbers are the same and RMP agrees with the co-mingling of their lines next to each other and the separation issue, they are not going to pull their line from the east side and install them on the west side. Regardless of what the geotechnical engineer's report says, the east line is what RMP has applied for. Mayor Christensen explained that the reason behind the geotechnical consultant is for justification of their numbers, if it proves that their numbers are invalid, then the City has an opportunity. Councilmember Ericson stated they still have to pull their permit for the east side and would have to submit another CUP for the west. It is still going to be RMP's decision to do that. The City can hire a geotechnical engineer and look at the numbers, but there is an application before the Planning Commission and when Jody Burnett gave his training to the Council and Planning Commission Members he said the City does not have any grounds to deny this application. Even if the west side is the least costly, it is not the City's decision, it has to be a land-based reason for the Planning Commission to deny the CUP.

Mr. Johnson reviewed conditions of the RMP CUP:

1. Comply with Chapter 29.06.060 and 29.06.070, Conditional Uses;
2. Comply with Chapter 29.18, Sensitive Areas Overlay Zones;
3. Comply with Chapter 29.19, Airport Overlay Zones;
4. Comply with Brigham City source protection requirements for water sources
5. Obtain agent/owner authorization;
6. Obtain proper permits and approvals from third party regulatory agencies, such as the FAA and Army Corps of Engineers, etc.;
7. Post a bond for the reclamation of hillside disturbances; the reclamation plan is to be submitted to staff for review and final approval;
8. Incorporate poles (color) that best blend into the hillside;
9. Comply with Chapter 29.24, Design Review;
10. Comply with Staff Evaluation.

Mr. Johnson said staff has considered including trails as part of the CUP conditions, but legal counsel has advised them not to. RMP may be willing to do trails, but legal advised it not be part of the conditions of the CUP because there is no direct link to the power line. Mayor Christensen said Steve Rush has told her that RMP is very willing to do a trail, as long as property owners are willing to sell property to them. They have installed trails in Clinton, North Ogden and Plain City.

Councilmember Christensen asked if conditions can be set to protect the mountain from starting on fire when they begin construction. Mr. Johnson felt this could be added as one of the conditions, to ask for a mitigation plan.

Member Berry asked if part of the conditions could be that they cannot install any more power lines along this same corridor. Mr. Johnson expressed concern with adding this as a condition due to the City having its own power system. It would have to be worded very carefully.

Mayor Christensen will call Steve Rush and ask for details on the numbers provided by RMP and contact Chair Peterson before the Planning Commission meeting.

A motion to close the work session was made by Councilmember Reese Jensen, seconded and carried. The meeting adjourned at 5:48 p.m.